

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

NO. 04-40027-FDS

UNITED STATES OF AMERICA

V.

ROBERT FAFARD

**DEFENDANT'S MOTION TO RETAIN EXPERT WITNESS**

Defendant Robert Fafard, pursuant to 18 USC 3006A(e)(1), moves the court to permit him to retain the services of an expert, Robert Young, in connection with the examination of the Defendant's computer hard drive, software and pictures that were taken off of the hard drive. In support thereof, the defendant submits:

1. The defendant has been declared indigent by the court and is represented by court-appointed counsel.
2. The defendant was just notified of the Governments intent to call an expert to state that the images found on his computer were in fact real.
3. An expert is needed to prepare adequately for trial.
4. An expert is also needed to prepare for motions in limine to contradict the Government's ability to call a Pediatrician as an expert to say that the images are real.
5. The defendant seeks to engage the services of Robert Young, of Portland Oregon, a highly qualified and experienced individual regarding matters pertaining to computers.
6. Mr. Young has taught workshops regarding how computers work, how pop-ups appear on computers, how computers get viruses from files, and how computer images can be created on a computer.

7. Mr. Young has testified in the Commonwealth before and has been qualified as a computer expert.

8. Mr. Young's services are to be charged at \$125.00 per hour, and a total expense for his services for the engagement will not exceed \$3,000.00.

Therefore, pursuant to 18 USC 3006A(e)(1), the defendant requests the court to permit defendant's counsel to engage Mr. Young for the services contemplated hereby.

Dated: May 5, 2006

Robert Fafard  
By his Attorney,

/s/Alan J. Black  
Alan J. Black, Esquire  
Law Offices of Alan J. Black  
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**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to David Hennessy, AUSA on this 5<sup>th</sup> day of May 2006.

/s/ Alan J. Black